CHAPTER 262

THE UNIVERSITIES AND OTHER TERTIARY INSTITUTIONS ACT

Arrangement of Sections

Section

DIVISION ONE— PRELIMINARY PROVISIONS

PART I—PRELIMINARY

1. Object of Act
2. Interpretation

DIVISION TWO—NATIONAL COUNCIL FOR HIGHER EDUCATION

PART II—ESTABLISHMENT OF NATIONAL COUNCIL FOR HIGHER EDUCATION

3. Establishment of National Council for Higher Education
4. Functions of National Council
5. Powers of National Council
6. Minister to issue policy directions

PART III—COMPOSITION OF NATIONAL COUNCIL AND TENURE OF OFFICE

7. Composition of National Council
8. Disqualification of members
9. Vacation of office of National Council
10. Meetings of National Council
11. Remuneration of members
12. Minister's power to give guidance

PART IV—STAFF OF NATIONAL COUNCIL

13. Executive Director
14. Deputy Executive Director

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DIVISION ONE— PRELIMINARY PROVISIONS

PART I--PREUMINARY

1. Object of Act
2. Interpretation

DIVISION TWO—NATIONAL COUNCIL FOR HIGHER EDUCATION

PART II—ESTABLISHMENT OF NATIONAL COUNCIL FOR HIGHER EDUCATION

3. Establishment of National Council for Higher Education
4. Functions of National Council
5. Powers of National Council
6. Minister to issue policy directions

PART III—COMPOSITION OF NATIONAL COUNCIL AND TENURE OF OFFICE

7. Composition of National Council
8. Disqualification of members
9. Vacation of office of National Council
10. Meetings of National Council
11. Remuneration of members
12. Minister's power to give guidance

PART IV—STAFF OF NATIONAL COUNCIL

13. Executive Director
14. Deputy Executive Director

15 Other staff

PART V- -FINANCIAL PROVISIONS FOR NATIONAL COUNCIL

16. Funds of National Council
17. Financial year of National Council
18. Estimates of National Council
19. Accounts and audit of National Council

PART VI—OTHER PROVISIONS RELATING TO NATIONAL COUNCIL

20. Committees of National Council
21. Rules of National Council

DIVISION THREE—PUBLIC UNIVERSITIES

PART VII—ESTABLISHMENT OF PUBLIC UNIVERSITY

Establishment of public university
23. University to be body corporate
24. Object and functions of public university
25. Location of public university
26. Visitor of public university Membership
27. of public university Admission to public
28. university Constituent college of public
29. university

PART VIII—OFFICERS OF PUBLIC UNIVERSITY

30. Chancellor of public university
31. Vice Chancellor of public university
32. Deputy Vice Chancellors
33. University Secretary
34. Academic Registrar
35. University Librarian
36. University Bursar
37. Dean of Students

PART IX—PUBLIC UNIVERSITY ORGANS

University Council

38. University Council for public university
39. Chairperson and Vice Chairperson
40. Functions of University Council
41. Powers of University Council Meetings
42. of University Council Committees of
43. University Council

University Senate and other academic bodies

44. University Senate
45. Functions and powers of Senate
46. Procedure of Senate
47. Honorary degrees
48. Board of faculties, institutes, colleges,
49. *etc.* Departments of faculties, *etc.*

PART X—STAFF OF PUBLIC UNIVERSITY

50. Appointments Board
51. Staff of public university
52. Appointment of staff
53. Deans and Directors
54. Heads of department
55. Removal of officers and employees from office
56. University Staff Tribunal
57. Appeal against decision of Appointments Board

PART XI—FINANCIAL PROVISIONS FOR PUBLIC UNIVERSITIES

58. Management of property of public university
59. Funding of public university
60. Borrowing powers of public university
61. Financial year of public university
62. Estimates of public university
63. Accounts of public university
64. Audit of public university

PART XII --GENERAL PROVISIONS RELATING TO PUBLIC UNIVERSITIES

65. Contracts by public university
66. Service of documents on public university
67. Annual report by university
68. Staff association
69. Students' association
70. Convocation
71. Affiliation of tertiary institution to public university
72. University Statutes

DIVISION FOUR—PUBLIC INSTITUTIONS OF HIGHER EDUCATION OTHER THAN UNIVERSITIES

PART XIII—ESTABLISHMENT AND MANAGEMENT OF PUBLIC TERTIARY INSTITUTIONS

73. Establishment of public tertiary institution
74. Functions of public tertiary institution
75. Governing Council
76. Functions and powers of Governing Council
77. Meetings of Governing Council
78. Committees of Governing Council
79. Academic Board
80. Meetings of Academic Board

PART XIV—ESTABLISHMENT AND MANAGEMENT OF OTHER DEGREE AWARDING INSTITUTIONS

81. Establishment of other degree awarding institutions
82. Other degree awarding institution to be body corporate
83. Other provisions relating to other degree awarding institutions
84. Application to establish private other degree awarding institution
85. Provisional licence for private other degree awarding institution
86. Application of other provisions to other degree awarding institution

PART XV—OFFICERS AND STAFF OF PUBLIC TERTIARY INSTITUTION

87. Principal of public tertiary institution
88. Secretary, Registrar and Bursar
89. Appointment of senior officers
90. Appointment of other staff
91. Disciplinary procedure

PART XVI—FINANCIAL PROVISIONS FOR PUBLIC TERTIARY INSTITUTIONS

92. Funds of public tertiary institution
93. Financial year for public tertiary institution
94. Estimates of public tertiary institution
95. Accounts and audit of public tertiary institution

PART XVII—OTHER MATTERS RELATING TO PUBLIC TERTIARY INSTITUTIONS

96. Students association
97. Academic staff association for public tertiary institution
98. Seal of public tertiary institution

DIVISION FIVE—PRIVATE UNIVERSITIES AND OTHER INSTITUTIONS OF HIGHER EDUCATION

PART XVIII—ESTABLISHMENT OF PRIVATE UNIVERSITY

99. Letter of interim authority
100. Application to establish and operate private university
101. Provisional licence for private university
102. Refusal, suspension or revocation of licence
103. Report and evaluation under provisional licence
104. Application for grant of charter and accreditation
105. Recommendation for accreditation
106. Granting of charter to private university
107. Effect of grant of charter and accreditation

PART XIX--OTHER MATTERS RELATING TO PRIV ATE UNIVERSITIES

108. Private university charter
109. Officers of private university
110. Membership of private university 11
1. Governing body of private university
112. Academic structure of private university
113. Annual report and audited accounts of private university
114. Revocation of charter
115. Constituent colleges or campuses of and affiliation to private university

PART XX—ESTABLISHMENT OF PRIVATE TERTIARY INSTITUTIONS

116. Application for provisional licence by private tertiary institution
117. Provisional licence for private tertiary institution
118. Application for certificate of classification and registration
119. Grant of certificate of classification and registration
120. Effect of publication of certificate of classification
121. Revocation of provisional licence or certificate of classification

DIVISION SIX—MISCELLANEOUS PROVISIONS RELATING TO INSTITUTIONS OF HIGHER EDUCATION

PART XXI—PROVISIONS FOR REGULATION OF INSTITUTIONS OF HIGHER EDUCATION

122. Operating institution contrary to this Act an offence
123. Qualification of lecturers
124. Language of instruction
125. Accreditation of institutions and their academic and professional programmes
126. Admission and assessment to be on merit
127. Change of name of institution
128. Institutional standards
129. Classification of tertiary institutions
130. Registers of universities and tertiary institutions
131. Annual report

132. Teaching to include practical solutions
133. Right of appeal
134. Regulations
135. Power to amend Schedule 1

PART XXII—MAKERERE UNIVERSITY BUSINESS SCHOOL

136. Makerere University Business School

SCHEDULES

Schedule 1 Currency Point

Schedule 2 Provisions of Act to Apply to Other Degree Awarding Institutions

CHAPTER262

THE UNIVERSITIES AND OTHER TERTIARY INSTITIJTIONS ACT

Commencement: 6 April, 2001

An Act to provide for the establishment of the National Council for Higher Education, its functions and administration; **to** streamline the establishment, administration and standards of universities and other institutions of higher education in Uganda; to provide for the establishment of institutions that award degrees that are not universities; to empower the National Council for Higher Education to accredit not only institutions of higher education, but also the academic and professional programmes of those institutions in consultation with professional associations and regulatory bodies; to empower the Minister to issue directives of a policy nature to institutions of higher education and for related matters.

DIVISION ONE-- PRELIMINARY PROVISIONS

PART I--PRELIMINARY

L Object of Act

The object of this Act is to establish and develop a system governing institutions of higher education in order to equate qualifications of the same or similar courses offered by different institutions of higher education while at the same time respecting the autonomy and academic freedom of the institutions and to widen the accessibility of high quality standard institutions to students wishing to pursue higher education courses by --

(a) regulating and guiding the establishment and management of those institutions; and

(b) equating the same professional or other qualifications as well as the award of degrees, diplomas, certificates and other awards by the different institutions.

2. Interpretation

In this Act, unless the context otherwise requires—

"accreditation" means public acceptance and confirmation evidenced by the grant of a charter that a university meets the requirements and standards of academic excellence set by the National Council;

"affiliated tertiary institution or college" means a tertiary institution or college established as such under section 71 or 115;

"certificate of classification" means a certificate issued by the National Council at the registration of a tertiary institution;

"Chancellor" means a person appointed as Chancellor by the President under section 30;

"charter" means a charter granted by the President under this Act as evidence that the university meets the requirements and standards of academic excellence set by the National Council;

"classification" means the grouping of tertiary institutions according to the type of higher education or programmes being provided or offered by the institution;

"constituent college" means a college established or declared as constituent college under section 29 or 115;

"course of study" means the structure for a certificate, diploma, degree or other academic qualification and the subjects of study in the course;

"currency point" has the value assigned to it in Schedule 1 to this Act;

"Governing Council" means the Governing Council of any other degree awarding institution established under section 81 or the Governing Council of a public tertiary institution established under section 75;

"letter of interim authority" means the authorisation referred to in section 99 and issued by the National Council to the promoter of a private university to enable the promoter mobilise resources for further development of the proposed university;

"Minister" means the Minister responsible for education;

"National Council" means the National Council for Higher Education established under section 3;

"operate a university or tertiary institution" includes conducting courses or programmes of study by any method of delivery, whether residential or distance, electronic or print, satellite or similar form of transmission of information;

"other degree awarding institution" means any public or private institution or centre of higher education other than a university, one of the objects of which is the provision of post-secondary education, offering courses of study leading to the award of

certificates, diploma s and degrees and conducting research and publishing the results of the research:

"person" includes any individual, firm, company, association, or body of persons, whether incorporated or not;

"private university" means a university registered under this Act the proprietor of which is a person other than Government and basically maintained out of funds other than public funds;

"promoter of a private university" means a person intending or proposing to establish and operate a private university in Uganda;

"provisional licence" means a licence issued to a university or tertiary institution allowing it to function under the observation of the National Council to assess its prospects for accreditation or classification;

"public university" means a university established under section 22 and maintained out of public funds;

"tertiary institution" means any public or private institution, school or centre of higher education other than a university, one of the objects of which is to provide post-secondary education offering courses of study leading to the award of certificates or diplomas and conducting research and publishing;

"university" means any institution, school, institute or centre of higher education, other than a tertiary institution, one of the objects of which is the provision of post-secondary education offering courses of study leading to the award of certificates, diplomas and degrees and conducting research and publishing;

"Vice Chancellor" means the person appointed under section 31 who is responsible for the academic, administrative and financial affairs of the university;

"visitor" means the President of Uganda as provided under section 26.

DIVISION TWO--NATIONAL COUNCIL FOR HIGHER EDUCATION

PART II--ESTABLISHMENT OF NATIONAL COUNCIL FOR HIGHER EDUCATION

3. Establishment of National Council for Higher Education

(1) There is established a council to be known as the National Council for Higher Education.

(2) The National Council shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(3) The seal of the National Council shall be—

(a) kept under the custody of the Executive Director:

(b) such device as the National Council may determine; and

the affixing of the seal shall be authenticated by the signatures of the Chairperson and the Executive Director or a person acting in any of the two offices.

(4) Every document purporting to be an instrument executed or issued by the National Council and sealed with the seal of the National Council, authenticated in the manner provided under subsection (3), shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is proved.

4. Functions of National Council

The functions of the National Council shall be—

(a) to implement the object of this Act;

(b) to promote and develop the processing and dissemination of information on higher education for the benefit of the people;

(c) to advise the Minister on the establishment and accreditation of public and private institutions of higher education;

(d) to receive, consider and process applications for—

(i) the establishment and accreditation of private tertiary institutions, private other degree awarding institutions and private universities; and

(ii) the accreditation of the academic and professional programmes of those institutions in consultation with professional associations and regulatory bodies;

(e) to register all institutions of higher education established under this Act;

(f) to receive and investigate complaints relating to institutions of higher education and take appropriate action;

(g) to monitor, evaluate and regulate institutions of higher education;

(h) in cooperation with the relevant Government departments, private sector, or the different institutions of higher education, to evaluate the overall national manpower requirement and recommend solutions to the requirement;

(i) to ensure minimum standards for courses of study and the equating of degrees, diplomas and certificates awarded by the different public and private institutions of higher education;

(j) to set and coordinate national standards for admission of students to the different institutions of higher education;

(k) to require and ensure that all universities, whether public or private, adhere to minimum criteria set by the National Council for admission to undergraduate and higher degree programmes;

(l) to determine the equivalence of all types of academic and professional qualifications of degrees, diplomas and certificates obtained elsewhere with those awarded by Ugandan institutions of higher education for recognition in Uganda;

(m) to certify that an institution of higher education has adequate and accessible physical structures and staff for the courses to be offered by it;

(n) to promote national interests in courses of study and professional qualifications among the different types of institutions of higher education;

(o) to ensure that adequate facilities and opportunities for career guidance and counselling are provided by the institutions of higher education;

(p) to collect, examine and publish information relating to the different institutions of higher education;

(q) to generally advise the Government on policy and other matters relating to institutions of higher education; and

(r) to perform any other function incidental to the object of this Act or relating to higher education in Uganda or that may be conferred upon it by the Minister or any other law.

5. Powers of National Council

(1) The National Council shall have the powers to do all such things and acts that are necessary for or incidental to the object of this Act.

(2) Without prejudice to the generality of subsection (1), the National Council may—

(a) acquire, hold, charge, alienate and dispose of property both movable and immovable;

(b) lease, or take on lease any land together with any improvements on the land;

(c) carry out any improvement upon any land held by
(d) it; derive capital or income from property held by it;
(e) raise or borrow money in such manner and upon such security as it may determine;
(f) invest any money not immediately required in any investment or project:
(g) make regulations in respect of minimum requirements for admission of persons in the different types of institutions of higher education;
(h) mobilise funds and resources for the activities of the institutions of higher education;
(i) delegate any of its powers and functions, other than the approval of estimates or any powers required by this Act to be exercised by a resolution of the National Council, to any member, officer or committee of the National Council as it may deem necessary; and
(j) subject to any law in force at the time, enter into any legal contract with any publisher for the publication of materials written by the National Council.

6. Minister to issue policy directions

The Minister may issue directives of a policy nature to all institutions of higher education, whether public or private, and the institutions shall give effect to those directives.

PART III—COMPOSITION OF NATIONAL COUNCIL AND TENURE OF OFFICE

7. Composition of National Council

(1) The National Council shall consist of- -

(a) a chairperson of the National Council;
(b) a vice chairperson of the National Council;
(c) one representative of the vice chancellors of public universities elected from among themselves;
(d) one representative of the vice chancellors of private universities elected from among themselves;
(e) one representative of public universities senates elected from among themselves;

(f) one representative of private universities senates elected from among themselves;

(g) two students, one representing university students and one representing tertiary institutions students and one of whom shall be a woman;

(h) four members of religious non-degree awarding institutions appointed by the Minister;

(i) three representatives, one each from commerce, industry and agricultural sectors;

(j) four persons representing other sectors of higher education, at least one of whom shall be a woman, and a person with disability

(k) the officer in charge of higher education or his or her representative, from the Ministry responsible for education, appointed by the Minister;

(l) the Executive Director; and

(m) one person from the public appointed by the National Council.

(2) The National Council shall recommend two members from among themselves from whom the President shall appoint the chairperson of the National Council.

(3) The National Council shall elect a vice chairperson from among themselves.

(4) Except for the *ex-officio* members, all members of the National Council shall hold office for a period of five years from the date of appointment and shall be eligible for re-appointment for one further term.

8. Disqualification of members

A person shall not be appointed a member of the National Council who is—

(a) an undischarged bankrupt or who has made any arrangement with his or her creditors; or

(b) incapacitated by mental or physical illness that renders him or her incapable of performing the functions of the office.

9. Vacation of office of National Council

(1) The office of a member of the National Council shall fall vacant if—

(a) a member resigns office by writing under his or her hand addressed to the Executive Director;

(b) the member is disqualified from membership in accordance with section 8;

(c) a member is continuously and persistently unable to discharge the functions of the office;

(d) a member is convicted of an offence involving moral turpitude; or

(e) a member dies.

(2) Where a vacancy occurs the Executive Director shall notify the authority which appointed the member vacating office within one month and the authority shall appoint another person in the place of that member.

10. Meetings of National Council

(1) The National Council shall meet for the discharge of its functions at least once in three months.

(2) The Chairperson shall preside at all meetings of the National Council unless he or she is absent from a particular meeting in which case the Vice Chairperson shall preside.

(3) In the absence of the Chairperson and the Vice Chairperson from a meeting of the National Council, the members present shall elect one of the members present at the particular meeting to preside.

(4) The National Council shall meet at least four times in each year, but the Chairperson may, and upon application in writing by at least one-third of all the members, convene a special meeting of the National Council within fourteen days.

(5) The quorum for transaction of the business of the National Council shall be thirteen members.

(6) All questions at a meeting of the National Council shall be determined by a majority of the votes of the members present and voting.

(7) The Chairperson shall, in case of equality of votes, have a casting vote in addition to his or her deliberative vote.

(8) The National Council shall cause minutes of all proceedings of meetings of the National Council to be entered in a minute book kept for that purpose.

(9) Subject to this Act, the National Council shall regulate its own procedure.

11. Remuneration of members

The Chairperson and other members of the National Council shall be remunerated on terms that the National Council, with the approval of the Minister, may provide.

12. Minister's power to give guidance

(1) The Minister may after consultation with the National Council give the National Council guidance on policy matters as may be appropriate.

(2) The guidance referred to in subsection (1) shall be in writing.

PART IV--STAFF OF NATIONAL COUNCIL

13. Executive Director

(1) There shall be an Executive Director who shall be appointed by the Minister on the recommendation of the National Council on terms and conditions that may be specified in the instrument of appointment.

(2) The Executive Director shall hold office for a period of five years and shall be eligible for re-appointment.

(3) The Executive Director shall be the chief executive officer of the National Council and shall be responsible for the day-to-day operations of the National Council.

(4) Subject to the provisions of this Act and the general supervision and control of the National Council, the Executive Director shall--

(a) be responsible for the management of the funds, property and business of the National Council;

(b) be the accounting officer of the National Council;

(c) be responsible for the administration and control the staff of the National Council; and

(d) be in custody of the seal of the National Council.

(5) The Executive Director shall in addition to being a member, be the secretary to the National Council and as such shall keep all records of the National Council.

14. Deputy Executive Director

(1) The National Council may appoint a Deputy Executive Director on terms and conditions that the National Council may determine.

(2) The Deputy Executive Director shall deputise for the Executive Director and perform the functions of the Executive Director in his or her absence and such other duties as the Executive Director or the National Council may direct.

15. Other staff

The National Council shall have such other officers and employees as may be appointed by the National Council and the officers and employees shall hold office on terms and conditions that the National Council may determine.

PART V—FINANCIAL PROVISIONS FOR NATIONAL COUNCIL

16. Funds of National Council

(1) The funds of the National Council shall consist of—

(a) money appropriated to the National Council by Parliament;

(b) grants, gifts and donations to the National Council;

(c) fees and other money paid for services rendered by the National Council; and

(d) money that may, in any manner become payable to or vested in the National Council in pursuance of the provisions of this Act or in relation or incidental to the carrying out of its functions.

(2) The National Council shall operate a bank account in a bank determined by the National Council and the account shall be operated in a manner decided by the National Council.

17. Financial year of National Council

The financial year of the National Council shall be the period of twelve months commencing on the 1st day of July and ending on the 30th day of June of the following year.

18. Estimates of National Council

(1) The National Council shall, within three months before the end of each financial year, prepare and submit to the Minister for his or her approval, estimates of income and expenditure of the National Council for the next ensuing year and may, at any time before the end of a financial year, prepare and submit to the Minister for his or her approval, any supplementary estimates.

(2) No expenditure shall be made out of the funds of the National Council unless that expenditure is part of the expenditure approved by the National Council under estimates for the financial year in which that expenditure is to be made or in estimates supplementary to that year's estimates.

19. Accounts and audit of National Council

(1) The National Council shall keep proper books of accounts and shall prepare the annual financial statements of account for the preceding financial year not later than three months in the following financial year.

(2) The annual accounts of the National Council shall be audited by the Auditor General or an auditor appointed by the Auditor General.

(3) The National Council shall, within three months after the end of each financial year submit—

(a) to the Minister an annual report in respect of that year containing—
  (i) financial statements;
  (ii) a report on the operations of the National Council; and
  (iii) any other information that the Minister may prior to the completion of the annual report or as otherwise supplementary to the annual report direct in writing; and

(b) to the Auditor General—
  (i) the accounts of the National Council for the financial year; and
  (ii) the annual report referred to in paragraph (a),

and the Auditor General shall audit the accounts within two months after receiving them and submit his or her opinion on the accounts and the annual report to the Minister and the National Council.

(4) The Minister shall cause copies of the annual report together with a copy of the audited accounts to be laid before Parliament at the first available opportunity after receiving them, but not later than the next sitting of Parliament after the date on which the Minister receives the annual report and the audited accounts.

PART VI—OTHER PROVISIONS RELATING TO NATIONAL COUNCIL

20. Committees of National Council

(1) For the better carrying out of its functions, the National Council may appoint such committees composed of its members as it may consider necessary for a specific purpose and period.

(2) A committee appointed under subsection (1) shall deliberate on any matter assigned to it by the National Council and make findings and recommendations to the National Council.

(3) The chairperson of a committee under this section shall be appointed by the National Council.

21. Rules of National Council

The National Council shall with the approval of the Minister, make rules regulating the conduct of its business and, without derogating from the generality of the foregoing, regulate the following matters—

(a) recruitment and terms and conditions of service of National Council employees, including pensions and other retirement benefits;

(b) disciplinary control of officers and employees of the National Council; and

(c) any other provisions that may be required for the better functioning of the National Council.

DIVISION THREE –PUBLIC UNIVERSITIES

PART VII—ESTABLISHMENT OF PUBLIC UNIVERSITY

22. Establishment of public university

(1) The Minister may, by statutory instrument, on the recommendation of the National Council and by resolution of Parliament, establish a public university.

(2) The National Council shall, within thirty days of the publication of the statutory instrument in the *Gazette,* register the public university established under subsection (1).

(3) The National Council shall ensure that the University Council for the public university established under subsection (1) is constituted within six months of establishing the university.

23. University to be body corporate

(1) A university established under section 22 shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and subject to this Act, may do all such things as bodies corporate may lawfully do.

(2) The seal of a public university shall be such a device as may be determined by the University Council and the affixing of the seal shall be authenticated by the signatures of the Vice Chancellor and the University Secretary.

(3) Any document purporting to be a document executed or issued under the seal of a university authenticated as aforesaid, shall be received in evidence and shall, unless the contrary is proved, be deemed to be duly executed.

(4) Notwithstanding subsection (3), for the purposes of degrees, diplomas, certificates and other awards of a public university, the seal of the university shall be authenticated by the signatures of the Vice Chancellor and the Academic Registrar of the university.

24. Object and functions of public university

(1) The object and functions of a public university shall be those set out in the statutory instrument establishing the university.

(2) In addition to any functions that may be set out under subsection (1) the functions of a university shall include –

(a) the provision of higher education, promotion of research and advancement of learning;

(b) dissemination of knowledge and giving opportunity of acquiring higher education to all persons, including persons with disabilities wishing to do so regardless of race, political opinion, colour, creed or sex; and

(c) the provision of accessible physical facilities to the users of the public university.

25. Location of public university

The location of a public university established under this Act shall be as may be provided in the statutory instrument establishing the university; however that university may, with the prior approval of the National Council, establish a branch or a campus of the university in any other part of Uganda.

26. Visitor of public university

(1) The President shall be the Visitor of each public university.

(2) The Visitor shall perform an overall supervisory role over the affairs of each public university.

(3) The Visitor shall, as often as circumstances may require, in respect of any of the affairs of a public university—

(a) conduct a visitation of a public university; or

(b) direct the Chancellor of a public university that a visitation be conducted by a person or persons that the Visitor may appoint.

(4) Nothing contained in subsections (1), (2) and (3) shall be construed as preventing the National Council from inspecting and conducting visitations to any public university.

(5) The Chancellor and Vice Chancellor of a public university shall—

(a) make available to the Visitor or any person or persons conducting a visitation all such facilities and assistance that may be required for the purposes of the visitation; and

(b) give effect to any instructions given by the Visitor or any person or persons conducting a visitation which are consistent with this Act.

(6) Any person or persons conducting a visitation under instructions of the Visitor shall make a written report of the visitation to the Visitor and the Visitor shall transmit the report to the Chancellor with or without any recommendations or suggestions.

27. Membership of public university

The members of a public university shall be—

(a) the Chancellor;
(b) the Chairperson of the University Council;
(c) members of the University Council;
(d) the Vice Chancellor;
(e) the Deputy Vice Chancellors;
(f) members of the Senate;
(g) professors and lecturers of the public university;
(h) the University Secretary, Librarian and Bursar;
(i) the Academic Registrar of the public university;
(j) the Dean of Students;
(k) the students of the public university;
(l) members of the Convocation; and
(m) such other members of the staff of the university or of any body formally admitted into association with the university as the University Council may determine.

28. Admission to public university

(1) Admission to a public university shall be open to all qualified citizens of Uganda and without discrimination.

(2) It shall be lawful for a public university to admit to the university any person qualified for admission who is not a citizen of Uganda.

The admission committee of a public university shall take into consideration affirmative action in favour of marginalised groups on the basis [illegible]

of gender, disability and disadvantaged schools.

(4) The admission committee of a public university shall take into consideration for admission, persons with special talents in sports, music and other social activities, for their enhancement.

29. Constituent college of public university

(1) The National Council may, after consultation with the relevant institution and with the approval of the University Council and the Senate of a public university, by statutory order--

(a) establish any college or institution as a constituent college of that public university;

(b) declare any public tertiary institution as a constituent college of that public university.

(2) Where the National Council establishes or declares a college or public tertiary institution to be a constituent college of a public university—

(a) the Chancellor of that public university shall appoint a principal on the recommendation of the University Council from three candidates recommended by the Senate of the public university;

(b) the Chancellor shall appoint a deputy principal on the recommendation of the Senate with the approval of the University Council;

(c) the Appointments Board of the university shall appoint members of the academic and administrative staff and other employees of the college in accordance with the provisions of this Act; and

(d) the Governing Council of the former public tertiary institutions shall function and have such responsibilities as is provided by the Statutes of the public university relating to the constituent colleges of that public university.

(3) For the avoidance of doubt, a public tertiary institution declared to be a constituent college of that public university under subsection (1)(b) shall cease to be a body corporate and all rights, assets and liabilities of the Governing Council of that institution shall vest in the University Council to which it is a constituent college to the same extent and for the same estate or

interest as they were previously vested in the Governing Council and shall be held and enjoyed in trust and for the benefit of that constituent college.

(4) All continuing students of an institution declared to be a constituent college of a public university, shall transfer to the constituent college for their studies without any further assurance and all subsequent admission of students to and the conduct of courses of study in the college shall be made in accordance with procedures and standards set by the public university.

(5) For any other matter relating to constituent colleges which is not provided for under this Act, general regulations made by the National Council in that behalf shall apply together with any statutes made by the relevant public university relating to its constituent colleges.

PART VIII--OFFICERS OF PUBLIC UNIVERSITY

30. Chancellor of public university

(1) There shall be a Chancellor for each public university who shall be appointed by the President on the recommendation of the University Council.

(2) The Chancellor shall hold office for a period of four years but shall be eligible for re-appointment for one further term.

(3) The Chancellor shall be the titular head of the university and as such shall preside at all ceremonial assemblies of the university and, in the name of that university, confer degrees and other academic titles and distinctions of that university.

(4) The Chancellor shall, at any time, on the direction of the Visitor, cause a visitation of the university to be conducted by a person or persons and for the purposes specified in the directive.

31. Vice Chancellor of public university

(1) There shall be a Vice Chancellor for each public university who shall—

(a) be responsible for the academic, administrative and financial affairs of the university; and

(b) in the absence of the Chancellor, preside at the ceremonial assemblies of the university and confer degrees and other academic titles and distinctions of the university.

(2) The Vice Chancellor shall be appointed by the Chancellor on the recommendation of the University Council from among three candidates recommended by the Senate.

(3) A search committee composed of two members from the University Council and three members from the Senate shall identify suitable candidates for the post of Vice Chancellor and forward them to the Senate to nominate three candidates for recommendation to the University Council.

(4) The Vice Chancellor shall be appointed on terms and conditions determmed by the University Council for five years and shall be eligible for re-appointment for one further term.

32. Deputy Vice Chancellors

(1) Each public university shall have not more than three Deputy Vice Chancellors who shall be appointed by the Chancellor on the recommendation of the Senate, with the approval of the University Council.

(2) A Deputy Vice Chancellor shall hold office for a period of five years and shall be eligible for re-appointment for one further term.

The First Deputy Vice Chancellor shall —

(a) assist the Vice Chancellor in the performance of his or her functions and in that regard be responsible for the academic affairs of the university;

(b) in the absence of the Vice Chancellor, perform the functions of the Vice Chancellor; and

(c) perform such other functions as may be delegated to him or her by the Vice Chancellor or assigned by the University Council.

(4) The Second Deputy Vice Chancellor shall—

(a) assist the Vice Chancellor in the performance of his or her functions and in that regard shall oversee the finances and administration of the university;
(b) be responsible for the planning and development of the university; and
(c) perform such other functions as may be delegated to him or her by the Vice Chancellor or assigned by the University Council.

33. University Secretary

(1) There shall be a University Secretary for each public university who shall be appointed by the University Council on the recommendation of the Appointments Board of that university on terms and conditions that the University Council may determine.

(2) The University Secretary shall be responsible for the general administration of the university including the custody of the seal and administration of its assets.

(3) The University Secretary shall be—
(a) the secretary to the University Council; and
(b) the accounting officer of the university.

(4) The University Secretary shall be responsible to the Vice Chancellor.

34. Academic Registrar

(1) There shall be an Academic Registrar for each public university appointed by the University Council, on the recommendation of the Appointments Board, on such terms and conditions as the University Council may determine.

(2) The Academic Registrar shall be responsible to the Vice Chancellor.

(3) The Academic Registrar shall assist the First Deputy Vice Chancellor in the administration and organisation of all academic matters including admission, undergraduate studies, post-graduate studies, examinations, research and publication.

35. University Librarian

(1) There shall be a University Librarian for each public university who shall be appointed by the University Council on the recommendation of the Appointments Board on terms and conditions that the University Council may determine.

(2) The University Librarian shall be responsible for the development, control, management and coordination of all library and information services of the university.

(3) The University Librarian shall be responsible to the Vice Chancellor.

36. University Bursar

(1) There shall be a University Bursar for each public university who shall be appointed by the University Council on the recommendation of the Appointments Board on such terms and conditions that the University Council may determine.

(2) The University Bursar shall be responsible for the financial administration and planning of the university and shall maintain the accounts in a form determined by the University Council.

(3) The University Bursar shall be responsible to the Vice Chancellor through the University Secretary, who is the accounting officer.

37. Dean of Students

(1) There shall be a Dean of Students for each public university who shall be appointed by the University Council on the recommendation of the Appointments Board on terms and conditions that the University Council may determine.

(2) The Dean of Students shall be responsible for the welfare of the students.

(3) The Dean of Students shall be responsible to the Vice Chancellor.

PART IX—PUBLIC UNIVERSITY ORGANS

University Council

38. University Council for public university

(1) There shall be a University Council for every public university consisting of the following members—

(a) the Chairperson of the University Council;
(b) the Vice Chairperson of the University Council;
(c) the Vice Chancellor of the public university;
(d) the Deputy Vice Chancellors;
(e) a representative of a sector relevant to the university depending on its objectives and mission, appointed by the relevant body in that sector;
(f) one member of the district council elected by the district council in whose jurisdiction the public university is situated;
(g) a member of the Convocation elected by the Convocation;
(h) two members of the Senate elected by the Senate;
(i) two members of the academic staff elected by the Academic Staff Association of the public university;
(j) a senior member of administrative staff elected by the senior administrative staff;
(k) a member of the National Union of Education Institutions support staff elected by the branch in that university;
(l) two students of the university, one of whom shall be a woman, appointed by the Students Union;
(m) three members appointed by the Minister from the public;
(n) three members appointed by the University Council from the public;
(o) a representative of the Ministry responsible for finance;
(p) a representative of the Ministry responsible for higher education;
(q) two representatives of the constituent colleges, schools and institutes elected by the chairpersons of the governing councils from among themselves; and
(r) two representatives of persons with disabilities, one elected by the members of staff who are persons with disabilities and another by national organisations of persons with disabilities.

(2) The members appointed under paragraphs (m) and (n) shall be appointed from different public sectors, including farming, industry, commerce and other professions.

(3) All elected and appointed members other than the representative of the students shall hold office for four years and shall be eligible for re-election.

(4) The students' representatives on the University Council shall hold office for one year and shall be eligible for re-election as long as they are students of the university.

(5) The office of a member of the University Council shall become vacant—

(a) upon death;

(b) upon ceasing to be a representative of the particular office or body by virtue of which that person became a member of the University Council;

(c) upon resignation of a member; or

(d) upon being adjudged bankrupt or found to be suffering from mental illness.

(6) The University Council may discharge its function and exercise its powers notwithstanding any vacancy in its membership.

39. Chairperson and Vice Chairperson

(1) The University Council shall elect a chairperson and a vice chairperson from among the members of the University Council who are not members of staff or students of the university, persons employed by the public service or a member of the district council or Parliament.

(2) The Chairperson and Vice Chairperson shall hold office for a period of four years and shall be eligible for re-election for one further term.

(3) Whenever the office of Chairperson is vacant or the Chairperson is absent for any cause, the Vice Chairperson shall discharge the functions of the Chairperson and in the absence of both the Chairperson and Vice Chairperson, such other member elected by the University Council, not being an employee or student of the university, public service employee or member

of the district council or Parliament, shall discharge the functions of the Chairperson.

(4) The Chairperson of a University Council in consultation with the Vice Chancellor shall keep the Chancellor fully informed about the general conduct of the affairs of the university and shall furnish the Chancellor with such information as the Chancellor may require on any particular matter relating to the affairs of the university.

40. Functions of University Council

(1) Subject to the provisions of this Act, the University Council shall be the supreme organ of a public university and as such shall be responsible for the overall administration of the university and ensuring the due implementation of the objects and functions of the university.

(2) Without prejudice to the generality of subsection (1), the University Council shall—

(a) be responsible for the direction of the administrative, financial and academic affairs of the university;
(b) formulate the general policy of the public university;
(c) give general guidelines to the administration and academic staff of the university on matters relating to the operations of the university; and
(d) do any other thing and take all necessary decisions conducive to the fulfilment of the objects and functions of the university.

41. Powers of University Council

The University Council shall, in relation to its functions—

(a) represent the university in all legal suits by and against the public university;
(b) receive gifts, donations, grants or other money and make disbursements as may be required, on behalf of the university;
(c) fix scales of fees and boarding charges;
(d) make statutes under this Act;
(e) establish faculties, departments, boards and courses of study and approve proposals for the creation or establishment of constituent colleges;
(f) provide for the welfare and discipline of the students;

(g) approve the university budget proposals and the final accounts submitted by the management; and

(h) approve the appointment of Deans and Deputy Deans of faculties.

42. Meetings of University Council

(1) A University Council shall meet at times and at places that it may determine for the transaction of its business but not less than three times in each calendar year.

(2) The Chairperson may at any time call a meeting of the University Council and shall call a meeting if requested in writing by at least one-third of all the members of the University Council.

(3) Half of the members of the University Council, at least five of whom shall not be employees or students of the university, shall constitute a quorum at any meeting of the University Council.

(4) Any matter for decision by a University Council shall be determined by a majority of the members of the University Council present and voting; and in the case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote but at any meeting where the Chairperson is being elected or where an annual budget is being approved the decision shall be determined by a majority of two-thirds of the members.

(5) The validity of the proceedings, act or decision of a University Council shall not be affected by any vacancy in the membership of the University Council or by any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings.

(6) The members of the University Council shall be paid such allowances as the University Council may determine, taking into account other allowances in the public sector.

(7) Subject to the provisions of this Act, a University Council may regulate its own procedure, and the procedure of any of its committees.

43. Committees of University Council

(1) A University Council may—

(a) appoint committees and boards consisting of such number of its members and other persons as it may deem necessary;

(b) appoint one of the members of a committee to be the chairperson of that committee; and

(c) co-opt any person on any committee of the University Council.

(2) A University Council may, subject to limitations that the University Council may deem fit, delegate any of its functions to any committee appointed under subsection (1), but the University Council shall not delegate the power to approve the budget or the final account of the public university.

(3) A University Council may authorise any of its committees to act with any other committee appointed by the Senate.

(4) A Chairperson of the University Council shall be an *ex officio* member of every committee of the University Council and where no specific Chairperson is appointed for a committee, the Chairperson of the University Council shall be the chairperson of that committee.

(5) In the absence of a chairperson of a committee, the members present and constituting a quorum shall elect a temporary chairperson from among themselves.

University Senate and other academic bodies

44. University Senate

(1) There shall be a Senate for each public university whose maximum number of members shall be determined by the University Council but the number of *ex officio* members shall not be reduced.

(2) The Senate shall consist of the following members—

(a) the Vice Chancellor;

(b) the Deputy Vice Chancellors;

(c) the Deans and Directors of faculties or schools as may be established within the university;

(d) two representatives of the principals of constituent colleges, schools or institutes;

(e) such number of professors and associate professors of the university as the University Council may determine who shall include at least one professor or associate professor from each faculty or school of the university elected by the academic staff of the faculty or school;

(f) the University Librarian, University Bursar, Dean of Students and University Secretary;

(g) such number of the non-academic staff as the University Council may determine to be elected by the non-academic staff;

(h) two students of the university to be elected by the students in accordance with the students union procedure; and

(i) three persons who are capable of contributing to the academic and social development of the university, appointed by the Minister from the public.

(3) The appointed members of the Senate shall hold office for a period of three years and shall be eligible for re-appointment.

(4) The Vice Chancellor shall be the Chairperson of the Senate and shall preside at all meetings of the Senate at which the Vice Chancellor is present and in the absence of the Vice Chancellor one of the Deputy Vice Chancellors shall preside.

(5) The Academic Registrar of the university shall be the Secretary to the Senate.

45. Functions and powers of Senate

(1) Subject to the provisions of this Act, the Senate shall be responsible for the organisation, control and direction of the academic matters of the university and as such the Senate shall be in charge of the teaching, research and the general standards of education and research and their assessment in the university.

(2) Without prejudice to the generality of subsection (1), the Senate shall—

(a) initiate the academic policy of the university and advise the University Council on the required facilities to implement the policy:

(b) direct and regulate the instruction programme and the structure of any degree, diploma or certificate course within the university;

(c) advise the University Council regarding the eligibility and qualifications of persons for admission to courses leading to the award of degree, diploma, certificate or other award of the university;

(d) make regulations regarding the content and academic standard of any course of study in respect of a degree, diploma, or certificate or other award;

(e) make regulations regarding the standard of proficiency to be attained in each examination for a degree, diploma, certificate or other award by the university;

(f) decide which persons have reached the standard of proficiency and are fit for the award of any degree. diploma, certificate or other award of the university;

(g) advise the University Council on the promotion, coordination, control and general direction of research in the university; and

(h) consider and report to the University Council on any matter relating to, or in connection with the academic work of the university.

(3) The Senate may deprive any person of a degree, diploma, certificate or other award of a public university if after due inquiry it is found that the award was obtained through fraud or dishonourable or scandalous conduct.

(4) A person deprived of an award under subsection (3) may appeal to the University Council against the decision of the Senate.

(5) The Senate may delegate any of its powers or functions to a faculty, school, board of studies or committee as the Senate may consider fit.

46. Procedure of Senate

(1) The Senate shall meet for the discharge of its functions and exercise of its powers at least three times in an academic year at a time and place that the Senate may decide or as the Vice Chancellor may require.

(2) The quorum at a meeting of the Senate shall be one-third of the members of the Senate.

(3) Subject to this section, the Senate may regulate its own procedure.

47. Honorary degrees

The Senate may award honorary degrees to persons who have excelled in any sector of life as it may deem fit on the recommendation of an honorary degrees committee established jointly by the Senate and the University Council.

48. Board of faculties, institutes, colleges, *etc.*

(1) Each faculty, institute, college or other academic body shall have a board consisting of the following—

(a) the Dean or Director who shall be the chairperson;
(b) the Deputy Dean or Deputy Director;
(c) heads of department within the faculty, institute, college or other body;
(d) such number of students in the faculty as the Senate may prescribe, representing a variety of the courses of study in the faculty;
(e) such other persons as the Senate may decide; and
(f) a representative of the teaching staff.

(2) The board of a faculty, institute, college or other academic body shall recommend for adoption by the Senate in relation to the faculty, proposals—

(a) regulating the attendance of students, the system of courses and lectures and the admission of students in the faculty;
(b) on the methodology and curricula to be followed taking into account the policy guidelines given by the University Council;
(c) regulating the procedure and dates of examinations; and
(d) relating to the promotion of teaching, research and writing of papers in the faculty, institute, college or other academic body.

(3) The board of a faculty, institute, college or other academic body shall meet at least once every month for the discharge of its functions and a meeting shall be held on the request of the Dean or Director or the Deputy

Dean or Deputy Director at a time and place determined by the Dean or Director.

(4) A decision of the board of a faculty, institute, college or any other academic body on any matter shall be by a majority of the members present and voting and in the case of equality of votes, the person presiding shall have a second or casting vote.

(5) The board of a faculty, institute, college or other academic body may, with the approval of the Senate, determine its own procedure.

49. Departments of faculties, *etc.*

(1) Each faculty, institute, college or other academic body shall have departments for the various courses of study covered by the faculty, institute, college or other academic body as the University Council on the recommendation of the Senate may determine.

(2) Each department shall have a board composed of the academic staff of the department.

(3) The board of a department may, with the approval of the board of the faculty, institute, college or other academic body determine its own procedure.

(4) Each department shall, subject to the direction of the Senate and the faculty, institute, college or other academic body—

(a) deal with its own academic and administrative matters;

(b) propose study plans and academic decisions to the Dean or Director for approval; and

(c) assign its members to particular curricula courses, lectures, seminars and workshops.

PART X—STAFF OF PUBLIC UNIVERSITY

50. Appointments Board

(1) There shall be a committee of the University Council to be known as the Appointments Board.

(2) The Appointments Board shall consist of nine members appointed under section 43.

(3) The Appointments Board shall, except where provided otherwise under this Act, be responsible to the University Council for the appointment, promotion, removal from service and discipline of all officers and staff of the academic and administrative service of the university, as may be determined by the University Council.

(4) The Appointments Board may in the discharge of its functions invite any person to give technical advice in any meeting of the Appointments Board.

51. Staff of public university

(1) There shall be three categories of staff in a public university, namely, the academic staff, the administrative staff and the support staff.

(2) The academic staff shall consist of—

(a) Deans of faculties or schools;

(b) the Directors of institutes, colleges or other academic bodies;

(c) professors, associate professors, senior lecturers, lecturers and assistant lecturers appointed on a full time basis for teaching and research;

(d) the University Librarian and other library staff designated as academic members of staff; and

(e) such other persons as the University Council may designate as academic members of staff.

(3) The administrative staff shall consist of persons employed by the university, other than academic staff, holding administrative, professional or technical senior posts established by the University Council for the efficient management and running of the university.

(4) The support staff shall consist of persons employed by the university who are not members of the academic staff or the administrative staff.

52. Appointment of staff

(1) Subject to the provisions of this Act, academic staff, administrative staff and support staff shall be appointed by the Appointments Board on terms and conditions that may be determined by the University Council in respect of each category of staff.

(2) All members of staff shall be subject to the general authority of, and shall be responsible to the University Council and Vice Chancellor through the immediate relevant authority and, except where it is otherwise provided, be deemed to be on full time service.

53. Deans and Directors

(1) A Dean or Director of a faculty, institute, college or other academic body shall be elected by its academic staff from among its senior members of the academic staff in accordance with the procedures proposed by the Senate and approved by the University Council.

(2) In the case of a faculty, institute, college or other academic body being established for the first time, the Vice Chancellor shall appoint a Dean or Director who shall hold office for a period of two years after which a Dean or Director shall be appointed under subsection (1).

(3) Subject to subsection (2) a Dean or Director shall hold office for a period of four years and shall be eligible for re-election for one further term.

(4) The Dean or Director shall be responsible for the general supervision and administration of the affairs of the faculty, institute, college or other academic body and as such shall be responsible for the promotion and maintenance of efficient teaching and research in the relevant body.

(5) The faculty, institute, college or other academic body may, by a two-thirds majority of its members, recommend to the Vice Chancellor to forward to the Appointments Board the removal from office of the Dean or Director.

54. Heads of department

(1) The head of department in each faculty, institute, college or other academic body shall be elected by the academic staff of the department concerned and recommended to the Appointments Board for appointment.

(2) In the case of a department in the process of being established, the Vice Chancellor shall appoint an acting head of that department to hold office for a period of one year after which a head of department shall be elected under subsection (1).

(3) The minimum requirement for election to the post of head of department shall be the rank of senior lecturer.

(4) The head of department shall hold office for four years and shall be eligible for re-election for one further term.

(5) Two-thirds of the academic staff of a department may make a recommendation to the Vice Chancellor to be forwarded to the Appointments Board to remove the head of department from office.

55. Removal of officers and employees from office

(1) If two-thirds of the University Council are satisfied that the Vice Chancellor or a Deputy Vice Chancellor should be removed from office on the grounds of misconduct or inability to perform the functions of the office of the Vice Chancellor or Deputy Vice Chancellor, the University Council shall—

(a) give notice in writing to the Vice Chancellor or the Deputy Vice Chancellor concerned; and

(b) on the recommendation of the Appointments Board of the university, recommend to the Chancellor that the Vice Chancellor or the Deputy Vice Chancellor should be removed from office.

(2) If the Vice Chancellor, a Dean, the University Librarian, a Director or head of department has reasonable grounds for believing that a member of the academic staff, other than the Vice Chancellor or Deputy Vice Chancellor, for whom he or she has direct responsibility should be removed from office or employment on the grounds of misconduct or failure to perform the functions of the office, he or she shall, following consultation

with and the agreement of the Vice Chancellor or a Deputy Vice Chancellor or such other person nominated for the purpose by the Vice Chancellor—

(a) give that person notice in writing including grounds for the removal and the member of staff concerned shall respond in writing;

(b) in writing, suspend the member in question from office or employment pending investigation;

refer the matter to the Appointments Board of the university; and

request the secretary of the Appointments Board of the university to make arrangements for the member to appear before the University Staff Tribunal with respect to the matter.

56. University Staff Tribunal

(1) There shall be a University Staff Tribunal consisting of--

(a) a person who is or is qualified to be a High Court judge, appointed by the Chancellor, who shall be the chairperson;

(b) a person representing the University Council elected from among themselves;

(c) a person representing the Senate elected from among themselves;

(d) a person nominated by the Ministry responsible for public service and appointed by the Vice Chancellor;

(e) two persons nominated by the academic staff association of the university one of whom shall be a woman; and

(f) two persons from the senior members of the administrative staff elected from among themselves.

(2) The term of office of a member of the University Staff Tribunal shall be four years and the member shall be eligible for re-appointment.

(3) The University Staff Tribunal may require any senior member of staff of the university to assist it in the assessment of any particular case.

(4) The University Secretary shall provide the secretariat to the University Staff Tribunal.

(5) The University Staff Tribunal and Appointments Board shall complete their work within a period of six months from the date from which the suspension of a member of staff takes effect.

57. Appeal against decision of Appointments Board

(1) A member of staff may appeal to the University Staff Tribunal against a decision of the Appointments Board within fourteen days after being notified of the decision.

(2) In any appeal under subsection (1), the University Staff Tribunal shall within forty-five days confirm, vary, amend or set aside the decision appealed against or give such decision as it thinks appropriate.

(3) A member of staff aggrieved by the decision of the University Staff Tribunal under subsection (2) may, within thirty days from the date the member of staff is notified of the decision of the tribunal, apply to the High Court for judicial review.

(4) On an application to the High Court under this section, the High Court may make such orders as it may consider just.

(5) Where a member of staff has been removed from office or employment by the Appointments Board the member of staff shall be deemed to be suspended until the expiry of the period allowed for appeal, at which date the removal shall become effective, or, where an appeal has been lodged in time, the suspension shall remain in force until the University Staff Tribunal or the court determines the appeal.

PART XI—FINANCIAL PROVISIONS FOR PUBLIC UNIVERSITIES

58. Management of property of public university

(1) All the funds, assets and property movable and immovable of a public university shall be managed and utilised by the University Council in accordance with this Act in such a manner and for such purposes as shall promote the best interest of the university.

(2) A University Council may dispose of the immovable property of the public university.

59. Funding of public university

(1) A public university may receive funding from the following—

(a) grants or contributions from the Central Government as may be appropriated by Parliament;
(b) voluntary contributions from the district council within which the public university is situated;
(c) grants, contributions, loans and donations acceptable to the University Council;
(d) university fees; and
(e) any other money that may become payable to the public university in the discharge of its functions.

(2) A district council or any other local government may provide financial contribution or assistance to a public university within its area of jurisdiction for the purpose of improving the facilities for higher education within its area of jurisdiction.

(3) A public university shall not be obliged to accept any grant or donation for a particular purpose unless it approves the purpose and the conditions of the grant or donation.

(4) All money of a public university shall be deposited to the credit of a bank approved by the University Council and shall not be withdrawn except in accordance with the manner provided by the University Council.

(5) A University Council of a public university may, after approval of the Minister, invest any of the funds of the university in securities or on deposit at such banks as it may determine.

60. Borrowing powers of public university

(1) A University Council may, subject to subsection (3), borrow funds required for meeting its obligations and for carrying out its functions.

(2) A University Council may borrow, by way of overdraft or otherwise, sums of money to be paid within a short period for any urgent requirements in the discharge of its functions.

(3) The Minister responsible for finance may, in consultation with the Minister responsible for education, prescribe the maximum sum that may be borrowed in respect of the different votes of expenditure of the public university.

0 t. Financial year of public university

The financial year of a public university shall be the period of twelve months commencing on the 1st day of July and ending on the 30th day of June of the following year.

62. Estimates of public university

(1) A University Council shall, within a period of three months before the end of each financial year, make and submit to the Minister for approval, estimates of the income and expenditure of the public university for the next ensuing year.

(2) The annual estimates shall include all the income and expenditure of the public university for that financial year and in particular shall include–

(a) the payment of all salaries, allowances and other charges in respect of the staff;

(b) the payment of all pensions, gratuities and other charges regarding retirement benefits payable out of the funds of the university;

(c) charges for the maintenance of the buildings and other assets of the university, including the repair and replacement of equipment and other movable property of the university; and

(d) the creation of reserve funds for future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or such other matters as the University Council may deem fit.

(3) No expenditure shall be made out of the funds of the public university unless the expenditure has been approved by Parliament under the estimates for the year in which such expenditure is to be made or in any other estimates supplementary to it.

63. Accounts of public university

(1) A University Council shall keep or cause to be kept books of all income and expenditure and proper records in relation to them.

(2) A University Council shall cause to be prepared at the end of each financial year, a balance sheet and a statement of income and expenditure during the financial year.

64. Audit of public university

(1) The accounts of a public university shall, in respect of each financial year, be subject to audit by the Auditor General or an auditor appointed by the Auditor General.

(2) A University Council shall ensure that within three months from the end of each financial year, a statement of account is prepared and submitted to the Auditor General for auditing.

(3) The Auditor General or an auditor appointed by the Auditor General shall be entitled to have access to all books of accounts, vouchers and other financial records of the public university and to require such information and explanation on them as may be necessary.

(4) The Auditor General shall audit and deliver to the University Council a copy of the audited accounts together with a report on the accounts not later than three months from the date of receipt of the final accounts by the Auditor General.

(5) A University Council shall, within one month from receipt of the audited accounts and the Auditor General's report on them, deliver copies to the National Council and the Minister who shall deliver copies to Cabinet and Parliament.

(6) The fee for any auditor not being in the employment of the Government shall be fixed by and paid by the University Council with the approval of the Minister.

PART XII—GENERAL PROVISIONS RELATING TO PUBLIC UNIVERSITIES

65. Contracts by public university

(1) Contracts on behalf of a public university shall be made in the following manner—

(a) a contract which if made between private persons would be by law required to be in writing, and if made according to any law for the time being in force in Uganda is required to be under seal,

may be made on behalf of the university under the common seal of the university;

(b) a contract which if made between private persons would be by law required to be made in writing and signed by the parties to be charged therewith, may be made on behalf of the university in writing and signed by any person acting under its authority, express or implied; and

(c) a contract which, if made between private persons, would be by law valid although made by parol only and not reduced into writing, may be made by parol on behalf of the university by any person acting under its authority.

(2) A contract made according to and under subsection (1), shall be effectual in law and shall bind the university and its successors and all other parties to the contract.

(3) A contract made in accordance with this section may be varied or discharged in the same manner in which it is authorised to be made in this section.

66. Service of documents on public university

Any document may be served on the university by leaving it at the University Secretary's office or sending it by registered post or by electronic means to the University Secretary.

67. Annual report by university

A University Council shall, within three months after the end of each calendar year, send to the Minister a report on the university activities for that year and the extent to which the objectives of the university are met and the Minister shall lay the report before Cabinet and Parliament.

68. Staff association

(1) Each public university may have an academic staff association, administrative staff association and a support staff association.

(2) All members of academic, administrative and support staff shall be eligible to be members of their respective association consequent upon their appointment and taking up their duties.

(3) The staff association shall be organised by the staff whose categories are stipulated in this Act.

69. Students' association

There may be a students' association in each public university, by whatever name called, which shall be constituted in accordance with statutes made for that purpose by the University Council except that—

(a) the governance of the students' association shall be guided by a constitution drawn by the student body of the university which shall be in conformity with the statutes of the university; and

(b) all the students shall be eligible to become members of the students' association upon admission to and registration at the university.

70. Convocation

(1) There shall be a Convocation for a university which shall consist of the graduates of the university and members of staff and such other persons as the University Council may authorise.

(2) The Convocation shall exercise such powers and perform such functions as may be conferred on it by statutes and in particular may meet and discuss any matter within the sphere of competence of the university and transmit recommendations arising out of such discussions to the University Council.

71. Affiliation of tertiary institution to public university

(1) A tertiary institution may, for the purpose of promoting its academic programmes, and with the approval of the National Council, affiliate with a public university if—

(a) the institutional standards governing the performance, operations and conduct of the institution are acceptable to the University Council of the public university; and

(b) its institutional standards conform to the standards set by the National Council.

(2) An affiliated college, school or tertiary institution shall remain a tertiary institution under this Act and as such, for all intents and purposes shall—

(a) retain its status, administration and organisational structure as they were before affiliation; and

(b) be independent of the university to which it is affiliated and only depend on the university to the extent agreed upon,

in conformity with this Act, regulations made under this Act and statutes made and guidelines issued by the university relating to institutions affiliated to it.

(3) A college, school or tertiary institution affiliated to a university shall, as may be agreed in relation to awards, conduct courses leading to awards of certificates, diplomas or degrees of that university under standards provided under this Act and statutes made and guidelines issued by the university, and shall in connection with the relevant awards, jointly with the university, conduct examinations leading to those awards.

72. University Statutes

A University Council may make statutes not inconsistent with this Act for the better carrying out of its functions and, without prejudice to the generality of the foregoing, may provide for—

(a) the description of the degrees, diplomas, certificates and other awards of the public university;

(b) the requirements for the awards of degrees, diplomas, certificates and other awards;

(c) the description and requirements for award of honorary degrees;

(d) the conduct of examinations;

(e) the fees to be charged;

(f) procedure for appointment of staff, the terms and conditions of service including discipline, salary and retirement benefits of members of all categories of staff;

(g) the membership, functions and privileges of committees and boards established under this Act or by the University Council;

(h) the academic organisation of the university including admission to the university, courses of study duration and number of academic terms;

(i) the grant of scholarships, bursaries and other grants, if any, and their revocation; and

(j) anything that is required to be prescribed under this Act or which needs to be provided for.

DIVISION FOUR—PUBLIC INSTITUTIONS OF HIGHER EDUCATION OTHER THAN UNIVERSITIES

PART XIII—ESTABLISHMENT AND MANAGEMENT OF PUBLIC TERTIARY INSTITUTIONS

73. Establishment of public tertiary institution

(1) The National Council shall, formulate a development plan for the expansion of public tertiary institutions consistent with the national plan for economic and social development of the country.

(2) The Minister shall, by statutory instrument, on the advice of the National Council, establish a public tertiary institution in any place in Uganda.

(3) An instrument made under subsection (2), shall be laid before Parliament.

(4) The Minister may, on the recommendation of the National Council, and with the approval of Parliament, upgrade a tertiary institution to a public university.

74. Functions of public tertiary institution

The functions of a public tertiary institution shall be—

(a) to provide full time or part-time courses of study and training in such fields of applied learning and research as the Minister may specify in the instrument establishing the institution;

(b) to arrange and organise conferences, seminars, workshops and study groups in its fields of operation; and

(c) to perform such other functions as may be directed by the Minister on the advice of the National Council in the promotion of higher education.

75. Governing Council

(1) There is established for each public tertiary institution a Governing Council which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its name.

(2) A Governing Council shall consist of—

(a) a Chairperson;

(b) one person representing a public university to which the institution is affiliated;

(c) two persons who have made personal contributions to the development of agriculture, industry, technology, education or commerce in Uganda, one of whom shall be a woman;

(d) a representative of the professional body relevant to the tertiary institution;

(e) a representative of the district council in which the tertiary institution is situated;

(f) the principal and deputy principal of the tertiary institution;

(g) a representative of the Ministry responsible for higher education;

(h) a representative of the Ministry responsible for the field of study undertaken by the tertiary institution;

(i) two representatives of the academic staff of the tertiary institution, one of whom shall be a woman;

(j) a representative of the non-teaching staff of the tertiary institution;

(k) three representatives of the students' association one of whom shall be a woman; and

(l) a representative of the alumni of the tertiary institution.

(3) The principal shall be the secretary to the Governing Council.

(4) The Chairperson of the Governing Council shall be appointed by the Minister from three names forwarded by the Council from among members of the Council.

(5) A member of the Governing Council, other than the principal and deputy principal, shall hold office for a period of three years if the member

still represents the relevant sector for which that member was appointed and shall be eligible for re-appointment.

(6) A member of the Governing Council may be paid allowances that may be determined by the Governing Council with the approval of the Permanent Secretary.

(7) A member of the Governing Council may resign the office by writing under his or her hand to the Permanent Secretary.

(8) Where a vacancy occurs in the membership of the Governing Council, the Permanent Secretary may appoint another person in that place who shall hold office for the remaining period of service of the person vacating the office.

(9) A vacancy on the Governing Council shall not affect the proceedings of the Governing Council in which quorum is realised or any decision made in the proceedings.

76. Functions and powers of Governing Council

(1) A Governing Council shall be the governing body of a public tertiary institution and shall exercise the general management of the affairs of the tertiary institution and exercise general control over the property of the institution.

(2) A Governing Council may acquire and hold movable or immovable property as may be necessary for carrying into effect the provisions of this Act and may sell, lease, mortgage or dispose of any property.

77. Meetings of Governing Council

(1) The Governing Council shall meet at least once in three months for the discharge of its functions.

(2) The Chairperson shall preside at all meetings of the Governing Council and in the absence of the Chairperson the members present shall elect one from among themselves to preside.

(3) Subject to the provisions of this section, the Governing Council shall regulate its own procedure.

78. Committees of Governing Council

(1) The Governing Council may appoint such committees for the efficient functioning of the Governing Council as it may deem necessary, and without prejudice to the generality of the foregoing, the Governing Council shall have the following committees---

(a) the Appointments Committee;
(b) the Students' Affairs Committee;
(c) the Planning and Development Committee: and
(d) the Finance Committee.

(2) The Governing Council may delegate any of its functions or powers to any committee.

(3) The Governing Council shall prescribe the powers, duties and procedure and other terms and conditions of service of the committees appointed under this section.

(4) A committee shall include among others representatives of the Academic Staff Association, the Students Association and the non-teaching staff.

79. Academic Board

(1) There shall be an Academic Board for each public tertiary institution which shall consist of—

(a) the principal, who shall be the Chairperson;
(b) the deputy principal who shall be the Vice Chairperson;
(c) the heads of department in each faculty;
(d) at least two members elected by the Academic Staff Association; and
(e) such other members as the Academic Board may decide.

(2) The Registrar shall be the secretary of the Academic Board but shall not vote on any matter at any meeting of the Academic Board.

(3) The Academic Board shall, subject to the provisions of this Act, have the following powers and duties—

(a) to satisfy itself regarding the content and academic standard of any course of study in respect of any award of the tertiary institution and report to the Governing Council;

(b) to initiate proposals relating to the conduct of the tertiary institution generally, discuss any matter relating to the tertiary institution and make submissions to the Governing Council;

(c) to propose regulations to be made by the Governing Council regarding the eligibility of persons for admission to any course of study provided by or under the supervision of the tertiary institution;

(d) to propose regulations to be made by the Governing Council regarding the standard of proficiency to be gained in each examination for any award;

(e) to decide which persons have reached the standard of proficiency referred to in paragraph (d) and are fit for an award; and

(f) to initiate, prepare, evaluate and submit academic programmes for the institution.

80. Meetings of Academic Board

(1) Unless the Academic Board otherwise determines and subject to the provisions of this Act, meetings of the Academic Board shall be held at least once in three months at such place and time as the Chairperson of the Academic Board may appoint.

(2) The Chairperson of the Academic Board may at any time call a meeting of the Academic Board and shall call a meeting within ten days of receipt of a requisition for that purpose addressed to him or her and signed by half of all the members of the Academic Board.

(3) Every question before the Academic Board shall be decided by a simple majority of the members present, and in case of an equality of votes, the person presiding shall have a casting vote.

(4) Subject to this Act, the Academic Board may regulate its own procedure.

PART XIV —ESTABLISHMENT AND MANAGEMENT OF OTHER DEGREE AWARDING INSTITUTIONS

81. Establishment of other degree awarding institutions

(1) The Minister may, by statutory instrument, on the recommendation of the National Council and by resolution of Parliament, establish any other degree awarding institution as a public tertiary institution.

(2) The National Council shall, within thirty days of the publication of the statutory instrument in the *Gazette*, register any other degree awarding institution established under subsection (1).

82. Other degree awarding institution to be body corporate

Any other degree awarding institution established under section 81 shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and, subject to this Act, may do all such things as bodies corporate may lawfully do.

83. Other provisions relating to other degree awarding institutions

The provisions of this Act specified in Schedule 2 to this Act shall apply to any other degree awarding institution established under this Act, subject to such modifications, qualifications, reservations and other changes as the Minister may, on the recommendations of the National Council, by statutory instrument specify.

84. Application to establish private other degree awarding institution

(1) A person proposing to establish and operate a private other degree awarding institution or a post-secondary institution proposing to constitute itself into a private other degree awarding institution shall, in a prescribed form, make an application to the National Council for a provisional licence to establish and operate any other degree awarding institution.

(2) An application made under subsection (1) shall be accompanied by—

(a) the proposed name, physical location and academic character of the other degree awarding institution;

(b) the aim and objective for which the other degree awarding institution is to be established;
(c) the detailed financial base of the proposed other degree awarding institution;
(d) the form of governance through which the academic and administrative affairs of the other degree awarding institution are to be conducted;
(e) an outline of the academic programmes intended to be conducted by the other degree awarding institution;
(f) the academic facilities including library services and property and equipment proposed for the academic programme;
(g) the existing or proposed human resources including academic and senior administrative staff;
(h) the existing or proposed physical infrastructure;
(i) the financial control and administration; and
(j) the timetable indicating the steps to be taken for three years after the establishment of the other degree awarding institution towards the realisation of the objects of the other degree awarding institution.

(3) The National Council shall, on receipt of the application under this section organise a meeting or a series of meetings with the applicant to verify the resources and information given with the application.

(4) A detailed report of the findings of the National Council under subsection (3) shall be submitted to the Minister.

85. Provisional licence for private other degree awarding institution

(1) On being satisfied that—
(a) the resources declared are available or are likely to be established;
(b) the applicant is following realistic plans to achieve the object of the private other degree awarding institution;
(c) the private other degree awarding institution is likely to attain and maintain the academic standards set by the National Council; and
(d) the establishment of the private other degree awarding institution is in the interest of the public in relation to higher education,

the National Council may issue a provisional licence to the applicant to

establish and operate a private other degree awarding institution according to the resources and information attached to the application.

(2) The National Council shall publish the name and particulars of a private other degree awarding institution issued with a provisional licence in the *Gazette*.

(3) A provisional licence shall be valid for at least three years from the date of publication of the name and particulars of the private other degree awarding institution in the *Gazette*, within which period the National Council shall monitor the other degree awarding institution to establish its viability for accreditation.

86. Application of other provisions to other degree awarding institution

The provisions of this Act relating to private universities shall apply to a private other degree awarding institution subject to such modifications, qualifications, reservations and other changes as may be determined by the National Council by legal notice.

PART XV—OFFICERS AND STAFF OF PUBLIC TERTIARY INSTITUTION

87. Principal of public tertiary institution

(1) Each public tertiary institution shall have a Principal and Deputy Principal who shall be appointed by the Education Service Commission on terms and conditions that the Education Service Commission may determine.

(2) The Principal shall be the chief academic and administrative officer as well as the accounting officer of the public tertiary institution.

(3) The Principal shall hold office for a period of five years and shall be eligible for re-appointment.

88. Secretary, Registrar and Bursar

(1) There shall be a Secretary to each public tertiary institution who shall be responsible for the day-to-day administration of the institution and shall perform such other functions as the Governing Council or the Principal may assign.

(2) There shall be a Registrar who shall be the secretary to the Academic Board and its committees.

(3) There shall be a Bursar for each public tertiary institution who shall be responsible to the Principal.

89. Appointment of senior officers

The Secretary, Registrar, Bursar and the other senior administrative officers and academic staff shall be appointed by the Education Service Commission on the recommendation of the Appointments Committee through the Governing Council.

90. Appointment of other staff

(1) The Chairperson of the Governing Council shall be the Chairperson of the Appointments Committee.

(2) Subject to section 89, the academic staff, administrative staff and other employees shall be appointed by the Appointments Committee.

(3) All members of staff and employees shall be responsible to the Principal through the proper administrative channels.

91. Disciplinary procedure

(1) The Governing Council may, in consultation with the Education Service Commission, make regulations for the discipline of staff, other employees and students of the tertiary institution.

(2) The Principal may, in case of misconduct by a member of staff, which in the opinion of the Principal is prejudicial to the interests of the tertiary institution, suspend the member and any such suspension shall immediately be reported to the Governing Council.

(3) The Appointments Committee shall, in consultation with the Governing Council, institute an investigating subcommittee to investigate a member of staff who has been suspended and accused of gross misconduct or inefficiency and report within twenty-one days after its institution; and if the committee, after considering the report of the investigating subcommittee,

is satisfied that the person in question should be removed from office, the committee may so recommend to the Education Service Commission.

(4) A member of staff may be suspended from office by the appointments committee for good cause which shall include—

(a) any physical or mental incapacity which, on medical advice, renders the officer or employee unfit for the discharge of the functions of his or her office;

(b) conduct of a scandalous or other disgraceful nature which renders the person unfit to continue to hold his or her office; or

(c) conduct which constitutes failure or inability of the person concerned to discharge the functions of his or her office or to comply with the terms and conditions of service.

(5) The Governing Council shall report the suspension to the Education Service Commission within a period of thirty days.

(6) A person suspended under this section shall be paid half pay until a decision is taken by the Education Service Commission.

PART XVI—FINANCIAL PROVISIONS FOR PUBLIC TERTIARY INSTITUTIONS

92. Funds of public tertiary institution

(1) The funds of a public tertiary institution shall include—

(a) revenue accruing to the institution from the Government by way of subvention, grant-in-aid, endowment or otherwise;

(b) fees charged by and payable to the institution by the students;

(c) any other amounts due to or recoverable by the institution; and

(d) donations and legacies accruing to the institution for the special purpose of the institution.

(2) Donations of money to be applied to any purpose shall be placed to the credit of a special reserve account approved by the Governing Council until such time as the donations may be expended in fulfilment of that purpose.

(3) An institution shall not be obliged to accept a donation for a particular purpose unless it approves of the conditions attached to the donation.

(4) All sums of money received by an institution shall be paid into a bank account on the credit of the institution as may be approved by the Governing Council.

(5) An institution may invest any of its money which is not immediately required for the operations of the institution.

(6) The Governing Council shall, within three months from the beginning of the financial year, in each year prepare and submit to the Minister an annual report of its activities during the preceding financial year and shall include in the annual report, the audited accounts of the tertiary institution in respect of the financial year and the audit report.

93. Financial year for public tertiary institution

The financial year of a public tertiary institution shall be the period of twelve months commencing on the 1st day of July and ending on the 30th day of June of the following year.

94. Estimates of public tertiary institution

(1) The Governing Council shall, within a period of three months before the end of each financial year, make and submit to the Minister for approval, estimates of the income and expenditure of the institution for the next financial year.

(2) The annual estimates shall include all the income and expenditure of the institution for that financial year and shall include—

(a) payments for all salaries, allowances and other charges in respect of the staff;

(b) payments for pensions, gratuities and other charges regarding retirement benefits payable out of the funds of the institution;

(c) charges for the maintenance of the buildings and other assets of the institution including the repair and replacement of equipment and other movable property of the institution; and

(d) the cost of the teaching and research activities of the institution, a reserve fund for future contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or any other matter as the Governing Council may consider fit.

(3) No expenditure shall be made out of the funds of the institution unless the expenditure has been approved by the Minister under estimates for the year in which the expenditure is to be made or in any other supplementary estimates.

95. Accounts and audit of public tertiary institution

(1) The Governing Council shall keep proper books of accounts and prepare the annual financial statements of account for the period immediately preceding the financial year, not later than the 30th day of June.

(2) The statements of account of the institution shall, in respect of each year, be audited by the Auditor General or an auditor appointed by the Auditor General.

(3) The Governing Council shall ensure that within four months from the end of each financial year, a statement of account of the institution is submitted to the Auditor General for auditing.

(4) The Auditor General or an auditor appointed by the Auditor General shall be entitled to have access to all books of accounts, vouchers and other financial records of the institution and to require any information and explanation as he or she requires.

(5) The Auditor General shall audit and deliver to the Governing Council a copy of the audited accounts together with the report of the Auditor General on the accounts not later than three months from the date of receipt of the final accounts.

(6) The Governing Council shall, within one month from receipt of the audited accounts and the report of the Auditor General on the audited accounts, deliver copies to the Minister who shall present them to Parliament.

(7) The fee for any auditor not being in the employment of the Government shall be determined and paid by the Governing Council.

PART XVII– OTHER MATTERS RELATING TO PUBLIC TERTIARY INSTITUTIONS

96. Students' association

(1) There shall be a students' association which shall be constituted in accordance with regulations made for that purpose by the Governing Council.

(2) The students' association may, with the approval of the Governing Council, make its own constitution.

97. Academic staff association for public tertiary institution

(1) There shall be an academic staff association whose aims shall be to promote the academic and welfare interest of the academic staff.

(2) The academic staff association may, with the approval of the Governing Council, make its constitution.

98. Seal of public tertiary institution

(1) A public tertiary institution shall have a common seal which shall be such device as the Governing Council may determine.

(2) The common seal of the institution shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Governing Council and recorded in the minutes of that meeting.

(3) The fixing of the seal of the institution shall be authenticated by the signature of the Chairperson of the Governing Council and one other member authorised generally or specifically for that purpose.

(4) Any document purporting to be a document duly executed under the seal of the tertiary institution shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

DIVISION FIVE—PRIVATE UNIVERSITIES AND OTHER INSTITUTIONS OF HIGHER EDUCATION

PART XVIII—ESTABLISHMENT OF PRIVATE UNIVERSITY

99. Letter of interim authority

(1) A promoter of a private university shall, prior to making application for a provisional licence, apply to the National Council for a letter of interim authority.

(2) An application made under subsection (1) shall be accompanied by:—

(a) the name of the proposed university and its proposed physical location;
(b) the name or names of the promoters of the university;
(c) the vision, mission, objectives and philosophy for which the university is to be established;
(d) the proposed governance structure of the university;
(e) the proposed human resources that will be required to operate the university;
(f) the expected source of financial resources; and
(g) the timetable indicating the steps proposed to be taken towards the realisation of the objectives specified in subsection (3).

(3) A letter of interim authority shall be valid for a period of up to three years during which the holder of the authority shall not admit students into the university but shall—

(a) mobilise funds;
(b) acquire requisite infrastructures and academic facilities;
(c) organise academic and administrative human infrastructures; and
(d) do any other thing that may further the development of the proposed university to maturity.

100. Application to establish and operate private university

(1) A person proposing to establish and operate a private university or a post-secondary institution proposing to constitute itself into a private university may, in a prescribed form, make an application to the National Council for a provisional licence to establish and operate a university.

(2) An application made under subsection (1) shall be accompanied by the following details –

(a) the proposed name, physical location and academic character of the university;
(b) the aim and objectives for which the university is to be established;
(c) the detailed financial base of the proposed university;
(d) the form of governance through which the academic and administrative affairs of the university are to be conducted;
(e) an outline of the academic programmes intended to be conducted by the university;
(f) the academic facilities including library services and property and equipment proposed for the academic programme and the manner in which the academic facilities are to be maintained;
(g) the existing or proposed human resources including academic and senior administrative staff;
(h) the existing or proposed physical infrastructure;
(i) the financial control and administration; and
(j) the time table indicating the steps to be taken, for three years after the establishment of the university, towards the realisation of the objects of the university.

(3) The National Council shall, on receipt of the application under this section organise a meeting or series of meetings with the applicant to verify the resources and information given with the application.

(4) A detailed report of the findings of the National Council under subsection (3) shall be submitted to the Minister.

101. Provisional licence for private university

(1) On being satisfied that—
(a) the resources declared are available or are likely to be established;
(b) the applicant is following realistic plans to achieve the object of the university;
(c) the university is likely to attain and maintain the academic standards set by the National Council; and
(d) the establishment of that university is in the interest of the public in relation to higher education,

the National Council may issue a provisional licence to the applicant to establish and operate a private university according to the resources and information attached to the application.

(2) The name and particulars of a private university issued with a provisional licence shall be published in the *Gazette* by the National Council.

(3) A provisional licence shall be valid for at least three years from the date of publication of the name and particulars of the university in the *Gazette*, within which period the National Council shall be monitoring the university to establish its viability for accreditation.

102. Refusal, suspension or revocation of licence

(1) The National Council may—

(a) refuse to issue a provisional licence if it is satisfied that the applicant is unlikely to procure the academic, physical or other resources necessary for the operation of the university;

(b) by notice in the *Gazette* and public print media, notify the university of the intention to suspend or revoke a provisional licence if two years after the issue of the licence no substantial progress is made to establish the university or if established the university is unable to meet the standards set for universities.

(2) On the suspension or revocation of a licence the National Council shall indicate the failure of the university and the steps required to rectify the failure.

(3) Where a provisional licence is refused or revoked, no application shall be entertained by the National Council within two years from the refusal or revocation of the licence.

(4) The suspension or revocation of a licence under this section shall not affect the validity or other status of any certificate, diploma, degree or other academic award granted by the university in question when still under provisional licence.

103. Report and evaluation under provisional licence

(1) A private university issued with a provisional licence shall prepare and submit to the National Council - -

(a) a report of its activities in each year of operation; and

(b) a detailed evaluation of its activities and steps taken towards the achievement of the object for which it was established and the national institutional standards prescribed by the National Council after three years of its operation.

(2) The National Council shall discuss all reports submitted under subsection (1) and may make comments on the reports or give to the university such instructions as the National Council may deem fit.

104. Application for grant of charter and accreditation

(1) A private university, being a holder of a provisional licence, and having been a holder for not less than three years, may apply to the National Council for the grant of a charter and accreditation.

(2) An application for the grant of a charter shall, in addition to any other details that the National Council may in each case specify, be accompanied by—

(a) all information required for application of a provisional licence;

(b) a draft charter;

(c) a list and academic qualifications of the academic staff and senior administrative staff on full time employment of the private university;

(d) a list of the total number of students that have been enrolled in each programme of instruction being offered at the private university;

(e) information on the library facilities, including the size, quality and equipment provided in each programme of instruction by the library;

(f) a statement of the financial resources available for the exclusive use of the university, certified by a qualified accountant;

(g) an inventory of the physical facilities, including land, available for the exclusive use of the university; and

(h) the names of the proprietors of the university.

105. Recommendation for accreditation

(1) If the evaluation report under section 103 indicates that the National Council is satisfied with the progress of the private university and the design, implementation and maintenance of the academic and administration system conforms to the prescribed institutional standards, the National Council shall appoint an inspection committee to make--

(a) an inquiry and ascertain the veracity of the information submitted under section 103;

(b) an inquiry into the academic, administrative and social affairs of the private university; and

(c) such other inquiry and investigation as may be relevant to the application under section 104.

(2) The inspection committee shall submit to the National Council a report on the private university within six months from the date of its appointment.

(3) If after consideration of the report of the inspection committee and any other relevant matter, the National Council is satisfied that--

(a) the charter of the private university forms a sound basis for the academic, administrative and social organisation of the university; and

(b) the private university has effectively organised adequate human, physical, financial and other necessary resources capable of achieving the prescribed institutional standards,

the National Council shall recommend to the Minister that the university be accredited.

(4) The Minister shall take appropriate action after the recommendation of the National Council under subsection (3) within ninety days from the date of the recommendation.

(5) If after consideration of the report of the inspection committee and any other relevant matter, the National Council is not satisfied with the findings, the National Council shall inform the university and the Minister about the shortfalls in its expectations and give reasons for not recommending the granting of a charter.

106. Granting of charter to private university

(1) The Minister shall, within ninety days from the date of receipt of a recommendation under section 105, submit the application and the recommendation to the President.

(2) The President shall grant a charter to the relevant university in the form submitted by the applicant with the application.

(3) The Minister shall, as soon as is practicable after the granting of the charter, by legal notice publish the charter in the *Gazette* and public print media.

107. Effect of grant of charter and accreditation

On the publication of a charter under section 106, the private university to which the charter is granted shall be—

(a) accredited and the certificates, diplomas, degrees and other academic awards by the university shall be recognised as of comparable and equivalent merit with those of other accredited and public universities in Uganda;

(b) a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and may for and in connection with its objects and functions—

(i) purchase, hold, mortgage and dispose of any movable or immovable property;

(ii) enter into any contract or transaction as may be expedient; and

(iii) do or suffer any other act or thing as bodies corporate may lawfully do or suffer; and

(c) registered by the National Council.

PART XIX—OTHER MATTERS RELATING TO PRIVATE UNIVERSITIES

108. Private university charter

A charter of a private university to be submitted with the application under this Act shall include—

(a) the name of the university;

(b) the location of the university;
(c) the objects and functions of the university;
(d) the membership of the university;
(e) the administrative and academic structures and authorities of bodies within the structure including council or board, faculties, departments and others;
(f) the officers of the university;
(g) the method of appointing and disciplining employees;
(h) the functions of the different bodies and officers of the private university;
(i) the methods of admission of students;
(j) the students participation in university operations;
(k) the source of funding;
(l) the financial administration;
(m) the extent to which and the form in which regulations may be made for the better functioning of the university; and
(n) any other matter that may be relevant to the operations of the university.

109. Officers of private university

A private university shall have persons designated as officers of the university as may be specified in its charter.

110. Membership of private university

A private university shall have the membership specified in its charter.

111. Governing body of private university

There shall be a governing body for each private university whose composition, powers and duties shall be specified in its charter.

112. Academic structure of private university

(1) A private university shall have a supreme academic body, whose composition, functions and powers shall be specified in its charter.

(2) A private university shall have such faculties, schools, institutes or centres and such departments established as may be specified in its charters.

113. Annual report and audited accounts of private university

A private university shall prepare and submit to the National Council an annual report on the operations and progress of the university including--

(a) a detailed evaluation of its academic activities and the extent to which the prescribed institutional standards are met: and

(b) a statement of the assets and liabilities of the university and its audited accounts.

114. Revocation of charter

(1) The President may, on the recommendation of the National Council, through the Minister, revoke a charter issued under this Act if--

(a) it is evident that the private university is not carrying on its functions in a proper manner;

(b) the university is in breach of its charter; or

(c) it is in the interest of university education generally to revoke the charter.

(2) Where a charter is revoked under subsection (1), the Minister shall, as soon as practicable, by legal notice, publish the revocation in the *Gazette* and thereafter the private university shall cease to be a university at the expiry of one year from the date of the legal notice.

(3) The revocation of any charter shall not affect the validity or other status of any certificate, diploma, degree or other academic award granted by the university in question when still a recognised university under this Act.

115. Constituent colleges, or campuses of and affiliation to private university

(1) A private university may, with the prior approval of the National Council--

(a) establish any college or institution as a constituent college of the university;

(b) with the approval of a private tertiary institution, declare that institution as a constituent college of the university; and

(c) establish a branch or campus of the university in any part of Uganda.

(2) The provisions of section 29(2), (3) and (4) shall apply to a constituent college under this section with such modifications as may be necessary in relation to a private university.

(3) The provisions of section 71 shall apply to tertiary institutions wishing to affiliate with a private university under this Act.

PART XX—ESTABLISHMENT OF PRIVATE TERTIARY INSTITUTIONS

116. Application for provisional licence by private tertiary institution

(1) A person wishing to establish a private tertiary institution shall make an application in writing, in the prescribed form to the National Council for a provisional licence to establish and operate a tertiary institution.

(2) An application made under subsection (1), shall be accompanied by a project proposal containing the following—

(a) the name of the private tertiary institution and its physical location;
(b) the aims and object for which the private tertiary institution is to be established;
(c) the membership and governance of the private tertiary institution;
(d) the sources of funding;
(e) the academic staff and senior administrative staff;
(f) the extent to which, and the form in which regulations may be made by the governing body of the private tertiary institution as may be specified for the better functioning of the institution;
(g) the financial control, expenditure and administrative control of other property of the private tertiary institution;
(h) an outline of the academic programmes to be offered; and
(i) the accessible physical facilities available including library services and equipment.

117. Provisional licence for private tertiary institution

(1) On receipt of the application for a provisional licence to establish a private tertiary institution, the National Council shall scrutinise the application and verify the resources and if satisfied with the application shall issue a provisional licence.

(2) The National Council shall, as soon as practicable after issuing a provisional licence under this section, by legal notice, publish the provisional licence of the private tertiary institution in the *Gazette*.

(3) A provisional licence shall be valid for a period of two years from the date of publication of the institution.

118. Application for certificate of classification and registration

(1) A tertiary institution being a holder of a provisional licence for a period of not less than two years may apply to the National Council for a certificate of classification and registration.

(2) An application under this section shall be accompanied by a project proposal containing, in addition to the information given in the application for provisional licence, the following--

(a) the name of the tertiary institution and its physical location;
(b) the type and range of tertiary education proposed to be or being provided;
(c) the programmes to be or being offered;
(d) the list of the staff and their qualifications, indicating whether on full time or part-time employment;
(e) the total number of students that have been enrolled in each programme of instruction being offered;
(f) information on the availability of library, equipment and laboratories developed for each programme offered;
(g) a statement of financial resources available for the exclusive use of the tertiary institution;
(h) an inventory of physical facilities, including land available for the exclusive enjoyment of the tertiary institution; and
(i) the form of the governance of the tertiary institution.

119. Grant of certificate of classification and registration

(1) If after a period of one year from the date of receipt of the application, the National Council is satisfied that a tertiary institution provisionally licensed is properly administered and organised and has attained the required standards of instruction, the National Council shall issue a certificate of classification and registration.

(2) The National Council shall, as soon as practicable after issuing a certificate of classification and registration, by legal notice, publish the certificate in the *Gazette*.

120. Effect of publication of certificate of classification

On the publication of the certificate of classification and registration in the *Gazette* the tertiary institution to which the certificate is granted shall be - (a) recognised and the certificates, diplomas and other academic awards granted by the institution shall be recognised as of comparable and equivalent merit with those of other recognised private and public tertiary institutions in Uganda;

(b) a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and may for and in connection with its objects and functions—

(i) purchase, hold, mortgage and dispose of any property whether movable or immovable;

(ii) enter into any contract or transaction as may be expedient; and

(iii) do or suffer any other act or thing as bodies corporate may lawfully do or suffer; and

(c) registered by the National Council.

121. Revocation of provisional licence or certificate of classification

(1) The National Council may, after satisfying itself that a private tertiary institution—

(a) is not carrying out its functions in a proper manner;

(b) no longer fulfils the minimum requirements pertaining to physical infrastructure, staffing, qualifications of staff and facilities necessary for carrying out instructions in the programmes intended for the institution;

(c) is being conducted or managed in contravention of the standards of instruction;

(d) has ceased to function as a tertiary institution; or

(e) its management has become unsatisfactory,

in the case of a provisionally licensed institution, extend the provisional licence for a period not exceeding one year, or revoke the provisional licence, and in the case of a classified institution, revoke the certificate.

(2) The National Council shall give at least six months' notice to the institution of the intention to revoke a provisional licence or certificate, giving reasons for the same.

DIVISION SIX – MISCELLANEOUS PROVISIONS RELATING TO INSTITUTIONS OF HIGHER EDUCATION

PART XXI—PROVISIONS FOR REGULATION OF INSTITUTIONS OF HIGHER EDUCATION

122. Operating institution contrary to this Act an offence

(1) No person shall establish and operate a university or tertiary institution without the relevant provisional licence, charter or certificate granted under this Act.

(2) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than fifty currency points.

(3) For the avoidance of doubt, the payment of a fine under subsection (2), shall not in itself legalise the existence of the relevant institution.

123. Qualification of lecturers

A university or tertiary institution shall not employ a lecturer, instructor or other person recruited for the purpose of teaching or giving instructions to students whose qualifications do not conform to the standards set by the National Council by regulations.

124. Language of instruction

The language of instruction in universities or tertiary institutions shall be the official language of Uganda but any other language may be used as a medium of instruction in accordance with Article 6(2) of the Constitution.

125. Al'Crcditation of institutions and their academic and professional programmes

For the avoidance of doubt, no person shall operate a university, other degree awarding institution or a tertiary institution, without the prior accreditation of its academic and professional programmes by the National Council.

126. Admission and assessment to be on merit

Subject to Article 32(1) of the Constitution, and in accordance with section 28, universities or tertiary institutions shall admit, train and assess students on merit.

127. Change of name of institution

(1) A university or tertiary institution wishing to change its name or part of its name shall do so by application in writing to the National Council which shall by general notice publish the application in the *Gazette* and in a widely circulated newspaper inviting any body having any objection to the change to present the objection to the National Council within thirty days from the date of publication.

(2) If after the period of thirty days referred to in subsection (1) no objection is received by the National Council—

(a) the application shall be granted by the Minister, in the case of a tertiary institution;

(b) in the case of a university, the application shall be forwarded to the President, through the Minister, who shall grant the application.

128. Institutional standards

(1) The National Council shall, by regulations set institutional standards to govern the performance, operations and general conduct of universities and tertiary institutions.

(2) Without prejudice to the generality of subsection (1) the National Council may set—

(a) the minimum entry requirements for admission to any certificate, diploma or degree programme of any university or tertiary institution;

(b) the minimum number and duration of programmes for certificate, diploma or degree levels to be offered by universities or tertiary institutions;

(c) the minimum and maximum number of students which must be enrolled in each programme before a university or tertiary institution can be registered;

(d) the standards of proficiency assessed in terms of content and contact hours, which students are expected to attain in respect of a certificate, diploma, or degree programme;

(e) the qualifications of lecturers, instructors and other persons involved in teaching or giving instructions at universities or tertiary institutions;

(f) detailed specifications concerning the space requirements and concomitant services for each class size and for the absolute number of students expected to be enrolled in, or activity to be carried out in an institution providing university or tertiary institution and other services;

(g) the basic ethical standards regulating the conduct of all members of universities or tertiary institutions; and

(h) any other provision that the National Council may consider necessary for setting a good standard in the universities or tertiary institutions, including standards for equating institutions outside Uganda to those in Uganda.

129. Classification of tertiary institutions

(1) The National Council shall adopt a system of classification of tertiary institutions according to the type of tertiary education being provided or programmes being offered by the institution and all tertiary institutions whether private or public shall be registered according to their classification.

(2) The classification made under subsection (1) may be amended and where amended the register shall be amended accordingly.

130. Registers of universities and tertiary institutions

The National Council shall maintain or cause to be maintained—

(a) a register of all universities established under this Act in the prescribed form; and

a register for all registered tertiary institutions established under this Act, in the prescribed form, which shall be kept by the National Council with a separate register for the separate classifications.

131. Annual report

Every university or tertiary institution shall submit an annual report to the National Council and the Minister in a prescribed form, setting out the activities of the institution in that year and its achievement towards its objectives and the set institutional standards.

132. Teaching to include practical solutions

A university shall endeavour to include in its teaching and research programmes, solutions to the social and economic problems in the community.

133. Right of appeal

Any person or institution aggrieved by an act or decision of the National Council under this Act may appeal to the High Court within thirty days from the date of the decision or act.

134. Regulations

The National Council may, with the approval of the Minister, make regulations generally for the better carrying into effect the provisions of this Act including the fixing of the minimum fees to be paid for the services of the National Council and prescribing anything to be prescribed under this Act.

135. Power to amend Schedule 1

The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to this Act.

PART XXII – MAKERERE UNIVERSITY BUSINESS SCHOOL

136. Makerere University Business School

(1) The Makerere University Business School is a Public Tertiary Institute under this Act affiliated to Makerere University.

(2) The Makerere University Business School shall conduct courses leading to the award of degrees, diplomas and certificates by Makerere University under standards provided by this Act, statutes and regulations made under it or as may be agreed upon by the Makerere University Business School and Makerere University and shall in connection with the awards, jointly conduct examinations leading to the awards, with Makerere University.

(3) Notwithstanding any provision of this Act or any other written law—

(a) Makerere University Business School shall be represented directly in the Senate of Makerere University and the Makerere University Council shall be informed of the Senate's decisions relating to Makerere University Business School; and

(b) for as long as Makerere University Business School remains affiliated to Makerere University, Makerere University shall be represented on the Governing Council and Academic Board of Makerere University Business School.

(4) In addition to the functions of a public tertiary institution under section 74, Makerere University Business School may—

(a) provide instructions to those admitted to the school and make provision for advancement, transmission and preservation of knowledge relating to the following commerce or business courses;

(i) undergraduate, postgraduate, higher diploma and ordinary diploma courses;

(ii) professional courses, including but not limited to chartered accountants, chartered secretaries, bankers, insurance personnel, managers and other professionals; and

(iii) short-term professional courses;

(b) create and offer opportunities to persons interested in courses offered through distant education methodologies from relevant commercial or business training institutions outside Uganda;

(c) conduct examinations for the award of degrees, diplomas, certificates and other awards of the university;

(d) conduct other examinations and award certificates and diplomas and where necessary revoke awards;

(e) coordinate and supervise all Uganda Government funded colleges of commerce with an objective of developing curricula and achieving high standards of business education;

(f) act as an examining body for colleges and privately run colleges which may seek affiliation to the school for diplomas and certificates;

(g) conduct or facilitate the conducting of research on any matter relating to the commercial or business sector;

(h) facilitate staff development through the provision of up grading courses and short term continuing education;

(i) establish linkages and joint programmes with other institutions offering similar courses within and outside Uganda; and

(j) carry on any other thing relating to the enhancement of standards in the commercial and business sector as the Minister may direct.

SCHEDLLES

:.Scherhie 1

Sections 2, 135

A currency point is equivalent to twenty thousand shillings.

Schedule 2

Section 83

Provisions of Act to **Apply** to Other Degree Awarding Institutions

The following provisions of this Act shall apply to other degree awarding institutions, with such modifications. qualifications, reservations and other changes as the Minister may specify by statutory instrument:

1. PART VII, relating to the establishment of a public university, and incorporating section 23(2) to section 29.

2. PART VIII, relating to the officers of a public university, incorporating section 30 to section 37.

3. PART IX, relating to the public university organs, and incorporating section 38 to section 49.

4. PART X, relating to the staff of a public university, incorporating section 50 to section 57.

5. PART XI, relating to the financial provisions for public universities, and incorporating section 58 to section 64.

6. PART XII, containing the general provisions relating to public universities, and incorporating section 65 to section 72.

History: Act 7/2001; Act 7/2003; S.I. 37/2003; Act 3/2006; S.I. 19/2006

Cross Reference

Constitution